

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 52 - 79 are pending in the application. Currently, claims 52, 53, 55 - 73, 75 - 77, and 79 have been rejected; and claims 54, 74, and 78 have been objected to.

By the present amendment, claim 54 has been placed into independent form; the subject matter of claim 74 has been added to claim 72; and the subject matter of claim 78 has been added to claim 76. Thus, claims 54, 72, and 76 are now allowable. Further, by the present amendment, claims 52, 53, 56, 58, 59, 64 and 68 have been amended; claims 55, 60 - 63, 65, 67, 69 - 71, 73 - 75, and 77 - 79 have been cancelled without prejudice; and new claims 80 - 87 have been added.

In the office action mailed October 19, 2007, the Examiner objected to claims 60, 62, 63, and 70 and rejected claims 55, 61, 65, 71, and 79 under 35 U.S.C. 112, second paragraph. This objection and rejection are now moot in view of the cancellation of claims 55, 60 - 63, 65, 70, 71, and 79.

Further in said office action, claims 52, 55 - 63, 69 -72, 75, 76, and 79 were rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Jenkins; claims 52, 55 - 63, 69 - 72, 75, 76, and 79 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lotz et al. in view of Jenkins; claims 52, 55 - 63, 69 -72, 75, 76, and 79 were rejected under 35 U.S.C. 103(a) as being unpatentable over Babcock in view of Jenkins; and claims 52, 53, 55 - 73, 75 - 77 and 79 were rejected under 35 U.S.C. 103(a) as being unpatentable over Smith or Lots in view of Jenkins and further in view of Oxygen Cutting Operations.

The foregoing rejections are traversed by the instant response.

Claims 52 has been amended to include the steps of "positioning said cutting torch substantially perpendicular to said metal," " heating a local area of said metal with said cutting torch positioned substantially perpendicular to said metal ...," "re-positioning the cutting torch with respect to said metal to cut said metal," and "...orienting said cutting torch at an angle of incidence with respect to said metal." It is submitted that none of Smith, Jenkins, Babcock, Lotz et al., and Oxygen Cutting Operations, Chapter 4 teach or suggest any of these method steps. For this reason, claim 52 as amended is allowable.

Claims 53, 56, 57, and 58 are allowable for the same reasons as claim 52 as well as on their own accord.

Claim 59 has been amended to be directed to a metal cutting system comprising a combustible gas, a hand-held, movable cutting torch, means for delivering said combustible gas to the cutting torch at a pressure between about 35 and 80 psi, a heater, a source of liquid oxygen and means for altering flow of said oxygen gas dependent upon operator need. It is submitted that none of the foregoing references teach or suggest this combination of elements.

Claim 64 has been amended to include the steps of "positioning a two part tip cutting torch substantially perpendicular to a surface of the metal being cut," "preheating a local area of said metal while said cutting torch is positioned substantially perpendicular to said surface," and "re-positioning said cutting torch relative to said surface so that said cutting torch is at an angle of incidence with respect to said surface and forming a cutting trench wherein said molten metal is removed at an angle of reflection with respect to said surface and on the same side of said surface as said cutting torch." It is submitted that none of the aforementioned cited and applied

references, taken alone or in combination with each other, teach or suggest these steps.

Claims 66 and 68 are allowable for the same reasons as claim 64 as well as on their own accord.

New claims 80 - 87 are well supported by the detailed description and the drawings. These claims are each allowable for the same reasons as their parent claims. They are also allowable on their own accord.

For the foregoing reasons, the instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

A notice of appeal is enclosed herewith along with a check in the amount of \$500.00 to cover the notice of appeal fee in the event that the Examiner maintains the rejections of record.

Should the Examiner maintain the rejections of record, he is hereby requested to enter the instant amendment since it simplifies the issues for appeal.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, he is hereby invited to contact Applicant's attorney at the telephone number listed below.

No fee is believed to be due as a result of this response. Should the Director determine that a fee is due,

he is hereby authorized to charge said fee to Deposit  
Account No. 02-0184.

Respectfully submitted,

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By 

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I, Karen M. Gill, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on January 18, 2007.

